

STATEMENT OF BASIS (AI No. 42958)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0110957 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Rae Shipyard, Inc.
25300 Highway 1
Golden Meadow, Louisiana 70357

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Christy Clark

DATE PREPARED: May 19, 2009

1. PERMIT STATUS

A. Reason For Permit Action:

Permit reissuance of an expired Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

**B. LPDES permit - LPDES permit effective date: November 1, 2003
LPDES permit expiration date: October 31, 2008**

C. Date Application Received: March 31, 2008

2. FACILITY INFORMATION

A. FACILITY TYPE/ACTIVITY - Shipyard

Rae Shipyard is a small boat repair facility located on Bayou Lafourche. It currently repairs and maintains 6-10 small crew boats or oil field vessels per month. Using a stone lift cable, boats are lifted for top side repair. The facility only conducts steel repairs on these vessels. Any engine repair is done off-site by a mechanic. No washing is done of the vessels upon completion of repairs. Bilge water is removed by the owner of the vessel using a certified contractor. The contractor comes to the site, pumps out the bilge water using a vacuum truck, and hauls the waste off-site for disposal. No bilge water is stored at this facility. The facility has a sewage treatment system with a 500 gallon tank to treat any sanitary wastewater. The treated sanitary wastewater and stormwater runoff discharge into Outfall 001 and then into a highway ditch. At times, this facility will be covered by 8-10 feet of water.

B. FEE RATE

1. Fee Rating Facility Type: Minor

**2. Complexity Type: I (Complexity has been reduced based upon the
Interim Strategy for Complexity Designation Determinations for SIC
Codes 3731 and 3732)**

3. Wastewater Type: III

Statement of Basis for
Rae Shipyard, Inc.
LA0110957, AI No. 42958
Page 2

4. SIC code: 3731

C. LOCATION - 25300 Highway 1, Golden Meadow, Lafourche Parish
Latitude 29°13'42", Longitude 90°12'47"

3. OUTFALL INFORMATION

Outfall 001

Discharge Type: the intermittent discharge of stormwater runoff and previously monitored sanitary wastewater from Internal Outfall 101

Treatment: None

Location: at the point of discharge after Outfall 101 treated sanitary wastewater and stormwater have combined into the highway ditch and prior to combining with other waters (Latitude 29°13'42", Longitude 90°12'47")

Flow: flow varies with rainfall

Discharge Route: Bayou Lafourche via a highway ditch

Outfall 101

Discharge Type: the intermittent discharge of treated sanitary wastewater

Treatment: Sewage treatment system (aeration) with a 500 gallon tank

Location: at the point of discharge from the sewage treatment system prior to combining with the waters of Outfall 001 (Latitude 29°13'42", Longitude 90°12'47")

Flow: 300 GPD

Discharge Route: Bayou Lafourche via a highway ditch

4. RECEIVING WATERS

STREAM - highway ditch thence to Bayou Lafourche

BASIN AND SEGMENT - Barataria Basin, Segment 020403

DESIGNATED USES - a. primary contact recreation
b. secondary contact recreation
c. propagation of fish and wildlife
d. oyster propagation

Statement of Basis for
Rae Shipyard, Inc.
LA0110957, AI No. 42958
Page 3

5. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale below.

6. CHANGES FROM PREVIOUS PERMIT

1.The Fecal coliform limit for Internal Outfall 101 was changed from 200 col/100ml to 43 col/ml based on water quality criteria LAC 33:IX.1113.c.5.d.

2.The dry dock provisions in part II were removed because this facility does not have a dry dock.

7. COMPLIANCE HISTORY/COMMENTS

A. Compliance History

After conducting an enforcement review, no DMRs were found on file.

A warning letter was issued on June 25,2007 (WE-L-07-0259) which indicated that the facility failed to properly submit reports in a timely manner. Specifically, the Department has not received Discharge Monitoring Reports (DMRs) as required by the permit.

B. DMR Review/Excursions

No DMRs were found.

8. ENDANGERED SPECIES

The receiving waterbody, Subsegment 020403 of the Barataria Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

Statement of Basis for
Rae Shipyard, Inc.
LA0110957, AI No. 42958
Page 4

9. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

10. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue a permit for the discharge described in the application.

11. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

12. STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT

In accordance with LAC 33:IX.2707.I.3 and LAC 33:IX.2707.I.4 [40 CFR 122.44(I)(3) and (4)], a Part II condition is proposed for applicability to all storm water discharges from the facility, either through permitted outfalls or through outfalls which are not listed in the permit or as sheet flow. For first time permit issuance, the Part II condition requires a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. For renewal permit issuance, the Part II condition requires that the Storm Water Pollution Prevention Plan (SWP3) be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. If the permittee maintains other plans that contain duplicative information, those plans could be incorporated by reference to the SWP3. Examples of these type plans include, but are not limited to: Spill Prevention Control and Countermeasures Plan (SPCC), Best Management Plan (BMP), Response Plans, etc. The conditions will be found in the draft permit. Including Best Management Practice (BMP) controls in the form of a SWP3 is consistent with other LPDES and EPA permits regulating similar discharges of stormwater associated with industrial activity, as defined in LAC 33:IX.2511.B.14 [40 CFR 122.26(b)(14)].

13. 303(d) Status

Outfall 001 discharges treated sanitary wastewater and stormwater runoff to Bayou Lafourche, Segment 020403 of the Barataria Basin. Segment 020403 is not listed on LDEQ's Final Integrated Report as impaired. To date, no TMDLS have been issued for this segment.

14. Part II

Permittee is required to submit the Analytical Results required for Renewal Applications within one year since these results were not submitted with the Renewal Application.

Rationale for Rae Shipyard, Inc.

1. Outfall 001 - the intermittent discharge of stormwater runoff and previously monitored sanitary wastewater from Internal Outfall 101.

PARAMETER(S)	CONCENTRATION MG/L unless otherwise stated		MEASUREMENT FREQUENCY	REFERENCE
	MONTHLY AVERAGE	DAILY MAXIMUM		
Flow, MGD	Report	Report	1/quarter	Previous permit and LAC 33:IX.2707.I.1.b.
pH Standard Units	6.0 (min)	9.0 (max)	1/month	Previous permit and LAC 33:IX.1113.C.1.
Oil & Grease	---	15	1/quarter	Previous permit and EPA Stormwater Guidance
TOC	---	50	1/quarter	Previous permit and EPA Stormwater Guidance

Flow - Requirements are based upon the previous permit and LAC 33:IX.2707.I.1.b.

pH - Requirements are based upon the previous permit and LAC 33:IX.1113.C.1.

Oil & Grease - Limitations are based upon the previous permit and a letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6) (EPA Stormwater Guidance).

Total Organic Carbon (TOC) - Limitations are based upon the previous permit and a letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6) (EPA Stormwater Guidance).

2. Outfall 101 - the intermittent discharge of treated sanitary wastewater

PARAMETER(S)	CONCENTRATION, MG/L unless otherwise stated		MEASUREMENT FREQUENCY	REFERENCE
	MONTHLY AVERAGE	WEEKLY AVERAGE		
Flow, MGD	Report	Report	1/6 months	Previous permit and LAC 33:IX.2707.I.1.b.
BOD ₅	---	45	1/6 months	Previous permit and secondary treatment standards
TSS	---	45	1/6 months	Previous permit and secondary treatment standards
Fecal Coliform(*1) colonies/100 ml	---	43	1/6 months	Previous permit, BPJ, LAC 33:IX.1113.c.5.d., and LAG530000

(*1) Shall be reported as a daily maximum in lieu of a weekly average.

Flow - Requirements are based upon the previous permit and LAC 33:IX.2707.I.1.b.

BOD₅ and TSS - Limitations are based upon LAC 33:IX.711 or 709.B, by BPJ utilizing the sanitary general permits issued by this Office, and the Louisiana Water Quality Management Plan, Areawide Sanitary Effluent Limits Policy and Statewide Sanitary Effluent Limits Policy, as applicable. Concentration limits are used in accordance with LAC 33:IX.2709.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement. LAC 33:IX.709.B references LAC 33:IX.711 which express BOD₅ and TSS in terms of concentration.

Fecal Coliform - Based upon LAC 33:IX.1113.c.5.d, the limitations have been reduced to 43 col/100ml due to the stream's oyster propagation designation. The monitoring frequency has been retained at 1/6 months.